

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 8/22/2023
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MECO ELECTRIC CO., INC.,

Plaintiff,

-v -

SIEMENS INDUSTRY, INC.,

Defendant.  
----- X

1:21-cv-9166-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

On September 22, 2022, the Court dismissed the SAC with prejudice except as to Plaintiff's breach of contract claim for contract balance and retainage damages, which the Court dismissed without prejudice. Dkt. No. 33. The Court did not set a deadline for Plaintiff to amend the complaint as to the claim dismissed without prejudice. On October 19, 2022, Plaintiff filed a notice of appeal to the U.S. Court of Appeals for the Second Circuit, before a judgment was entered. On May 8, 2023, the Second Circuit issued a mandate regarding the parties' stipulation withdrawing the appeal. No judgment has yet been entered in this case. Given that Plaintiff has not amended the complaint following the September 22, 2022 dismissal without prejudice as to the remaining claim, the Court understands that Plaintiff does not wish to file an amendment. Thus, the Court will enter judgment as to all claims in favor of Defendants by September 22, 2023, unless Plaintiff files an amended complaint by that date.

In the alternative, if the parties have reached a resolution on this case, the parties may jointly submit a stipulation to the dismissal of this action under F.R.C.P. 41(a)(1)(A)(i).

SO ORDERED.

Dated: August 22, 2023  
New York, New York

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GREGORY H. WOODS  
United States District Judge